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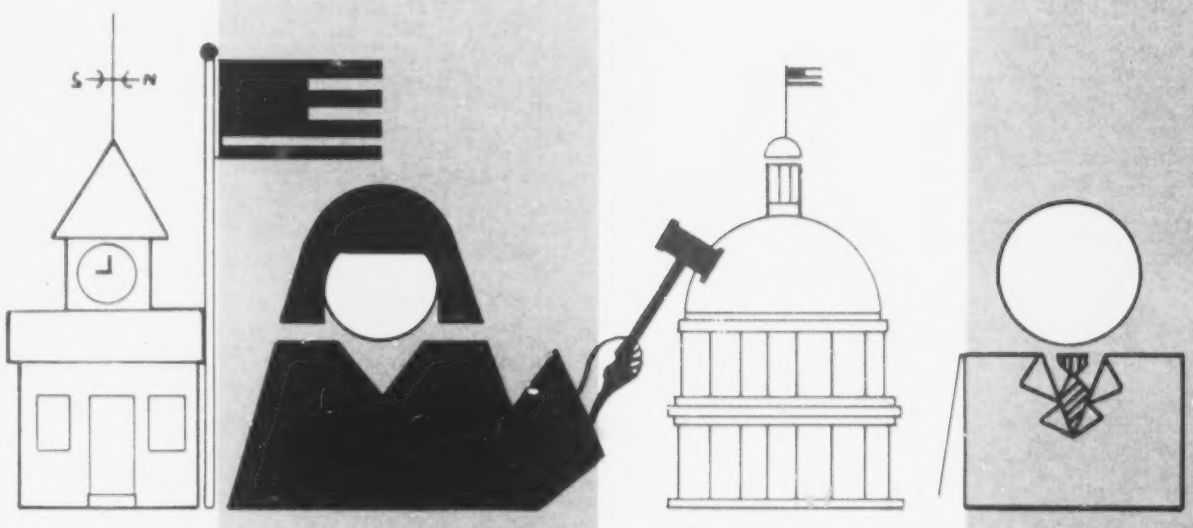
FOCUS

JCPS ANNUAL DINNER
To Salute Black Elected Officials

SPECIAL ISSUE

A National Profile of Black Elected Officials



Joint Center for Political Studies

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Perspective

On March 2, the Joint Center will pay tribute to the nation's 5,600 black elected officials at its seventh annual dinner. A large number of these officials will be present for this special occasion, which features former Congresswoman Barbara Jordan as guest speaker.

But these officials will also be in Washington for another event that has far greater implications for their future success than receiving a much deserved honor. They will participate in the Fourth National Policy Institute, which will focus on both the issues that concern them and the financial resources that often elude them.

The Fourth National Policy Institute, which coincides with the Joint Center's annual dinner, will follow in the tradition of previous national gatherings in 1967, 1969, and 1975. It will involve participants in discussions on such issues as employment and training, education, social services, economic development—just to name a few. Participants also will try to identify the best and most practicable solutions to their concerns and the financial resources with which to implement programs. And of course, they will discuss coalition building, public-private partnerships, and voter mobilization—seeking to strengthen the strategies available to them to influence public policy decisions.

Expert panels will include speakers such as Mayors Wilson Goode of Philadelphia and "Dutch" Morial of New Orleans; Congressmen George Crockett of Michigan, Walter Fauntroy of the District of Columbia, and Alan Wheat of Missouri; Derek Bell, Dean of the University of Oregon Law School; Mary Berry, member of the U.S. Commission on Civil Rights; Eleanor Holmes Norton, professor at Georgetown University; Marc Stepp, vice president of the United Auto Workers; and Frederick M. Stevens, senior vice president of K-Mart.

We see this important and timely meeting as a critical step in the black community's strategic planning process. This planning involves an examination of the current state of black America; an assessment of external factors, such as the economy and the political mood of the country; and making realistic projections of future social, economic, political, and technological trends. With this information in hand, we can begin to chart a progressive course and to identify policy options and strategies that best suit our needs.

Black elected officials must be involved in this planning, because they are on the cutting edge of today's pursuit of racial justice through public policy initiatives.

Their position of leadership is unique, and the difficulties they face are often unrecognized. They are exposed to the full blast of demands from their constituents, and yet they are often a small voting minority in the legislative bodies where decisions are made. Nevertheless, they have managed to make valuable contributions to the black community as well as to their jurisdictions as a whole.

For these and many other reasons, the Joint Center is saluting black elected officials. We are also saluting them because they are working symbols of the power of the black vote. And so by honoring them, we add a tribute and a word of encouragement to black voters.

The black vote will be a major factor in 1984. There is, I believe, an emerging movement within the black community to use the political process to pursue social justice in the 80s. This new movement helps to fulfill one dream that Martin Luther King, Jr., had for the disadvantaged in America. He called for a nonviolent revolution that relies, in part, on law and moral suasion, but that also relies heavily on direct political action. Historian David Lewis wrote that King believed that "racial compassion had to be reinforced by old-fashioned American political quid pro quo."

When black elected officials meet in Washington next month, they also will spend time mapping political strategies and determining the most effective means of further mobilizing the black vote.

Their meeting will be graphic evidence of black America's continuing quest for justice and equality in America.

Eddie N. Williams
President

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National Profile of Black Elected Officials

By Milton D. Morris

(Dr. Morris is Director of Research at the Joint Center for Political Studies.

For the past twelve years, the Joint Center has published the annual National Roster of Black Elected Officials, *with a statistical overview and a complete listing of all blacks in office as of July of the given year. With current technology, we believe we can update the listings more frequently and produce them more efficiently. We have therefore decided to shift the cutoff date from June 30 to January 30, to pick up officials elected in November and inaugurated in January.*

The statistical overview in this issue of Focus *covers all blacks in office as of July 1983; it will serve as a transition count. We are now in the process of developing an efficient new form of dissemination for the listing that will be as current and useful as possible. We will inform our readers of publication plans in the near future.)*

The Joint Center's most recent annual survey of black elected officials indicates that during the year ending in July 1983, the number of black elected officials increased by 8.6 percent—from 5,160 to 5,606. This is the sharpest increase since 1976 and one of the largest numerical increases in the past ten years. It is further evidence of a dramatic upsurge in black political participation at all levels of government.

Several factors apparently contributed to the upsurge in the number of black elected officials. One of the most important undoubtedly has been the sharp upturn in the percentage of blacks voting since 1980. This upturn was first evidenced in the 1980 presidential elections, when black turnout increased by a percentage point after nearly two decades of steady decline. In the 1982 Congressional elections the black vote rose more than 5 percentage points over 1978, the previous off-year elections, and the gap between black and white turnout reached an all-time low of 6.9 percent. Polling results suggest that this activity has been strongly stimulated by dissatisfaction with the Reagan administration. Moreover, highly visible black candidacies such as Los Angeles Mayor Tom Bradley's bid for governor of California and Harold Washington's mayoral race in Chicago helped spur black turnout further.

Another important factor behind the increase in BEOs has been the new round of redistricting necessitated by the 1980 census. That process created several legislative districts with black majorities—especially in states covered by Section 5 of the Voting Rights Act. Such districts greatly increase the opportunity for the election of blacks.

In some cases, such as Florida and South Carolina, multi-member senate districts have been replaced with single-member districts, which also increase the likelihood that black candidates can win elections. As a result, Florida elected its first black state senator since Reconstruction, and South Carolina is likely to do the same when elections are held later this year.

Although the overwhelming majority of black candidates must still depend on black voting majorities to win elections, another reason for the recent increase appears to be the growing skill and sophistication of black candidates in forging coalitions across racial and ethnic groups and using new campaign strategies. Many large cities have experienced sharp increases in the proportion of blacks and Hispanics, and there is evidence of a growing effort by both groups to build coalitions in seeking office.

The continued growth in the number of black elected officials has broad implications for blacks and for the political system. The psychic and symbolic benefits of these electoral successes for blacks are obvious and considerable. Such gains, especially in the South, are firm evidence of continued progress by blacks in breaking down once-formidable barriers to political participation and in achieving a direct role in the governance of their communities.

But blacks have sought much more than psychic benefits from political participation. They consider it a means of achieving concrete economic and social benefits and protecting themselves from discriminatory public policies and practices.

Although direct links between political participation and the distribution of specific benefits are often hard to prove, there is growing evidence that blacks indeed derive such benefits, especially from electing members of their own race to public office. For example, a 1981 study of Newark, New Jersey, found that black mayor Kenneth Gibson was instrumental in "expanding the universe of those engaged in the political system" and increasing the number of blacks appointed to higher offices and employed throughout city governments.

A recently published JCPS study, *Black Employment in City Government, 1973-1980,* found a strong correlation between black political influence and the number and quality of municipal jobs held by blacks in 40 cities. The correlation was especially strong for cities with black mayors. There is less systematic but impressive evidence that the distribution of many public services to minorities and encouragement of minority business development also are directly affected by the presence of blacks as mayors or members of municipal governing bodies.

Equally important, current gains can be expected to pave the way for steadily expanding black political influence. Political scientists have long claimed that people tend to participate more as they perceive desirable results of their participation. As evidence of the benefits of black political influence become widely perceived among blacks, they are likely to invest more effort in politics—both as voters and as candidates. To be sure, blacks who have won office are in the difficult position of balancing the expectations of their constituencies with the stringent financial conditions of their jurisdictions. Nevertheless, black elected officials are powerful mobilizers in their own right, invariably stimulating heightened interest and thus increased voting by blacks. Continued brisk growth in the ranks of black elected officials is therefore both evidence of a more inclusive political system and a stimulus to greater participation.

Black Elected Officials in the United States, July 1983

State	Total	Net Change Since July 1982	Federal		State			Substate Regional		County			Municipal					Judicial and Law Enforcement						Education				
			Senators	Representatives	Administrators	Senators	Representatives	Members, Regional Bodies	Other Regional Officials	Members, County Governing Bodies	Members, Other County Bodies	Other County Officials	Mayors	Members, Municipal Governing Bodies	Members, Municipal Boards	Members, Neighborhood Advisory Commissions	Other Municipal Officials	Judges, State Courts of Last Resort	Judges, Other Courts	Magistrates, Justices of the Peace, Constables	Other Judicial Officials	Police Chiefs, Sheriffs, and Marshalls	Other Law Enforcement Officials	Members, State Education Agencies	Members, University and College Boards	Members, Local School Boards	Other Education Officials	
Alabama	309	+40				3	17			36		11	25	130			4	1	8	21	5	5				42	1
Alaska	2	0					1																			1	
Arizona	14	−1					2			1				4						1						6	
Arkansas	297	+78				1	4						18	119			14	1	1	38						101	
California	244	+5		4		2	6	3		3	1	1	10	40	7		4	1	58						17	85	2
Colorado	14	0				1	2							3					4						1	3	
Connecticut	61	+7			1	3	7						1	29	2		1			4							13	
Delaware	22	0				1	2						1	9													9	
Dist. of Columbia	254	0		1									1	10		232											10	
Florida	128	+10				2	10			3	1		7	82			1	1	9								12	
Georgia	284	+13				4	21			24		3	12	141	3			1	10	5	1						57	2
Hawaii	1	−1																									1	
Idaho	0	0																										
Illinois	363	+38		3	1	6	13			28	2		18	136	41		14		26						3	72	
Indiana	67	0		1		2	6			8		1	1	34		3	2		3							6	
Iowa	7	+1				1													1						2	3	
Kansas	27	+1				1	3			2				8	1		2		2							8	
Kentucky	70	−9				1	3						3	41					3	2		1	1			15	
Louisiana	408	+36				2	11			86	1		13	141					4	31	1	10				108	
Maine	4	0												2	1											1	
Maryland	90	+8		1		5	18			3			7	38	2			1	6		3	1				5	
Massachusetts	30	+2				1	5			1				11	3											9	
Michigan	293	0	2		1	3	14			23		4	12	69			22		50	2				1	16	74	
Minnesota	10	0					1							3					2			1				3	
Mississippi	433	+9				2	15			28	31	9	21	163			5		2	65	2	4				79	7
Missouri	153	+6	2			3	12			3			14	87			5		8	1	2	2				14	
Montana	0	0																									
Nebraska	5	−1				1								1											1	2	
Nevada	10	+2				1	2			1				2					1	1					1	1	
New Hampshire	1	+1												1													
New Jersey	190	+20				1	5			7		1	8	74	1		1									92	
New Mexico	6	0								1			1	3												1	
New York	236	+44	3			4	15			7				28	1		1		41	1						135	
North Carolina	291	+25				1	11	1		27	1		17	144			1	1	7	1	1	2				76	
North Dakota	0	0																									
Ohio	200	+6	1			2	10			2			8	94	3		5		24					1		50	
Oklahoma	124	+42				3	3			2			14	48	1		27		1			1				24	
Oregon	7	+1				1	1			1					1				2							1	
Pennsylvania	130	+7	1			4	15					1	2	40			2	1	24	24	1					15	
Rhode Island	6	0				1	3						1	1													
South Carolina	252	+17					20			33	1	3	14	108			2			2		3				62	4
South Dakota	0	0																									
Tennesse	131	+4	1			3	10			50			1	27					11	5		1				22	
Texas	230	+23	1			1	12			8			9	89	1				7	17		1		1	4	79	
Utah	1	0				1																					
Vermont	0	0																									
Virginia	98	+5				2	4			30		4	5	45			2				3	3					
Virgin Islands	47	+2			1	13			25															8				
Washington	15	0				1	1						1	6					2							4	
West Virginia	20	0					1						2	13			2		1	1							
Wisconsin	19	+3				1	3			2				6					3			1				3	
Wyoming	2	+2					1																			1	
Total	5,606		21		4	85	290	4	25	420	38	38	247	2,030	68	235	117	8	321	222	19	36	1	11	45	1,305	16

Black Mayors of Cities With Populations Over 50,000

Mayor	Term Expires	City	Population	% Black
Harold Washington	4/87	Chicago, IL	3,000,000	40.0
Thomas Bradley	7/85	Los Angeles, CA	2,996,763	17.0
W. Wilson Goode*	12/87	Philadelphia, PA	1,588,220	40.2
Coleman Young	12/85	Detroit, MI	1,203,339	63.1
Marion Barry	12/86	Washington, DC	637,651	70.3
Ernest Morial	3/86	New Orleans, LA	557,482	55.3
Andrew Young	12/85	Atlanta, GA	425,022	66.6
Kenneth Gibson	6/86	Newark, NJ	349,248	46.9
Lionel J. Wilson	6/85	Oakland, CA	339,288	46.9
Harvey B. Gantt*	12/85	Charlotte, NC	314,447	31.0
Richard Arrington	11/87	Birmingham, AL	284,413	55.6
Roy A. West	6/84	Richmond, VA	219,214	51.3
James Chase	12/85	Spokane, WA	171,300	1.6
James A. Sharp, Jr.*	12/85	Flint, MI	159,611	41.4
Richard G. Hatcher	12/87	Gary, IN	151,953	70.8
Thirman L. Milner	11/85	Hartford, CT	136,392	33.9
Loretta T. Glickman	5/85	Pasadena, CA	119,374	20.6
Gus Newport	4/86	Berkeley, CA	103,328	20.1
Noel Taylor	6/84	Roanoke, VA	100,247	22.0
Melvin Primas	7/85	Camden, NJ	84,910	53.0
Walter Tucker	12/85	Compton, CA	81,286	74.8
Thomas G. Mills	4/86	Carson, CA	81,221	29.3
Thomas Cooke, Jr.	12/85	East Orange, NJ	77,025	83.6
Wallace Holland	4/86	Pontiac, MI	76,715	37.2
Arnold Winfield	4/85	Evanston, IL (Evanston Township)	73,706	21.4
Eva Mack	3/85	West Palm Beach, FL	62,530	28.2
Carl E. Officer	5/87	East Saint Louis, IL	55,200	95.6

*Took office after July 1983; not counted in 1983 total.

Congressional Districts Represented by Blacks

Member of Congress	District	Principal City	% Black in District	% White in District	% Other in District
Dellums (D-CA)	8	Oakland	24	62	14
Dixon (D-CA)	28	Los Angeles	50	34	16
Dymally (D-CA)	31	Compton	36	40	24
Hawkins (D-CA)	29	Los Angeles	49	33	18
Fauntroy (D-DC)	At-Large	Washington, D.C.	70	27	3
Collins (D-IL)	7	Chicago	50	30	20
Savage (D-IL)	2	Chicago	77	18	5
Hayes (D-IL)	1	Chicago	92	7	1
Hall (D-IN)	1	Gary	30	65	5
Mitchell (D-MD)	7	Baltimore	79	20	1
Conyers (D-MI)	1	Detroit	87	11	2
Crockett (D-MI)	13	Detroit	79	18	3
Clay (D-MO)	1	St. Louis	65	34	1
Wheat (D-MO)	5	Kansas City	31	66	3
Towns (D-NY)	11	New York	32	59	9
Owens (D-NY)	12	Brooklyn	54	27	18
Rangel (D-NY)	19	New York	54	31	15
Stokes (D-OH)	21	Cleveland	79	20	1
Gray (D-PA)	1	Philadelphia	75	24	2
Ford (D-TN)	8	Memphis	63	36	1
Leland (D-TX)	18	Houston	43	39	18

Female Black Elected Officials in the United States, July 1983

State	Total	Net Change Since July 1982	Federal		State			Substate Regional		County			Municipal					Judicial and Law Enforcement						Education				
			Senators	Representatives	Administrators	Senators	Representatives	Members, Regional Bodies	Other Regional Officials	Members, County Governing Bodies	Members, Other County Bodies	Other County Officials	Mayors	Members, Municipal Governing Bodies	Members, Municipal Boards	Member, Neighborhood Advisory Commissions	Other Municipal Officials	Judges, State Courts of Last Resort	Judges, Other Courts	Magistrates, Justices of the Peace, Constables	Other Judicial Officials	Police Chiefs, Sheriffs, and Marshalls	Other Law Enforcement Officials	Members, State Education Agencies	Members, University and College Boards	Members, Local School Boards	Other Education Officials	
Alabama	58	+6					4					1	3	33			3			6	2					5	1
Alaska	1	+1																								1	
Arizona	3	+1					1																			2	
Arkansas	44	+14					1						3	13			10			2						15	
California	60	0				1	3	2					2	6	5		1		5						4	29	2
Colorado	5	+1					2												1						1	1	
Connecticut	15	−1				1	1							6	1					1						5	
Delaware	3	+1																								3	
Dist. of Columbia	113	+2												4		105										4	
Florida	22	+5				1	1			1	1		2	12			1		1							2	
Georgia	37	+3					5			1		1	1	15					3	1						10	
Hawaii	0	0																									
Idaho	0	0																									
Illinois	71	+8		1		2	3			7	1		1	18	11		4		3							20	
Indiana	14	−1		1		1	1					1		5		1	1									3	
Iowa	1	0																						1			
Kansas	2	+1																								2	
Kentucky	10	−1				1	1							5												3	
Louisiana	53	+4					1			4			2	22					1	3						20	
Maine	0	0																									
Maryland	26	+4					6			1			1	12	1						1					4	
Massachusetts	8	+3					2							2												4	
Michigan	94	−4					5			5			1	17			11		13					1	9	32	
Minnesota	1	0																								1	
Mississippi	79	0								1	14	3	3	25			5			10						18	
Missouri	43	−3					2			1			2	29			2		1							6	
Montana	0	0																									
Nebraska	1	−1																								1	
Nevada	2	0																							1	1	
New Hampshire	0	0																									
New Jersey	57	+10				1	1			4		1	1	10												39	
New Mexico	0	0																									
New York	88	+35				1	6			1				5			1		6							68	
North Carolina	55	+12					1	1		5			3	23			1		1		1					19	
North Dakota	0	0																									
Ohio	46	+2					1							21	3		1		5							15	
Oklahoma	44	+14					1			1			3	13			21									4	1
Oregon	2	0								1									1								
Pennsylvania	17	+2					2							6			2		2	1						4	
Rhode Island	0	0																									
South Carolina	47	+7					2			1			2	20			1									19	2
South Dakota	0	0																									
Tennessee	17	+6					1			2				3					1							10	
Texas	42	+9					3						1	15						2					1	20	
Utah	0	0																									
Vermont	0	0																									
Virginia	15	0										3		10			1				1						
Virgin Islands	16	+1					4		11														1				
Washington	1	−1																								1	
West Virginia	4	+2												1			2			1							
Wisconsin	5	−1					2			1				1												1	
Wyoming	1	+1					1																				
Total	1,223		0	2	0	9	64	3	11	37	16	10	31	352	21	106	68	0	44	27	5	0	0	2	17	392	6

Telescope

Federal Election Commission Resources for Teachers and Students

The Federal Election Commission has expanded its outreach program for teachers and students. The commission will be sponsoring displays, lectures, and programs on federal elections at universities, conferences, and other locations throughout the country. In addition, high school and university groups are encouraged to visit the commission, where a speaker will explain election laws and the commission's research facilities. Educational materials and assistance available from the FEC include brochures, campaign guides, lectures, and slide programs. A guidebook, *Voter Information and Education Programs,* outlines suggested curriculum programs on the electoral process for various grade levels.

The FEC hopes high school and college teachers and their students will use these resources for research assignments. Students can learn how to obtain election-related government documents, use computer-generated information, analyze campaign finance statistics, and compare political campaigns. Material specific to an individual congressional district or state is available.

Those interested in obtaining FEC materials or using its research facilities may call the Office of Public Communications at (202) 523-4068; or toll free, (800) 424-9530.

NYC University Registers 13,000 Potential Voters

The City University of New York has registered more than 12,800 students since launching an ambitious voter registration drive at the beginning of the 1983-84 school year (see "Telescope" in *Focus,* October 1983). CUNY's colleges offered students a chance to register during regular course registration. CUNY's voter registration committee concluded that certain factors can spur student voter registration: (1) a strong commitment on the part of the college president; (2) appointment by the president of a senior administrator to monitor voter registration activities; (3) the appearance of a popular personality on campus (Jesse Jackson visited several of the campuses and was enormously successful in getting students to register); and (4) encouraging student involvement throughout the entire process.

The committee felt that a strong commitment from the college president was most important; those colleges that had strong leadership from the top and a close working relationship with the students who participated in the registration drive registered the largest numbers of students.

JCPS Publishes Study on Blacks in City Government

Black Employment in City Government, 1973-1980, a study of 40 cities by Peter K. Eisinger, is now available from the Joint Center. Dr. Eisinger, professor of political science at the University of Wisconsin, at Madison, found that the number of city jobs held by blacks rose by 9.3 percent between 1973 and 1980, in spite of a 7.1 percent decrease in the overall number of city government jobs during that period.

The *percentage* of all city government jobs held by blacks in the cities studied also increased, from 27.5 percent in 1973 to 32.6 percent in 1980.

Milton D. Morris, director of research at the Joint Center, points out "Eisinger's findings provide solid evidence that the increasing participation of blacks in urban governance—and particularly the election of blacks as mayors—is yielding tangible economic benefits. In view of the continuing rapid increase in the number of black mayors since 1980, we can anticipate widening opportunities for blacks in municipal employment."

Black Employment in City Government is available for $4.95 from the publications clerk, Joint Center for Political Studies, 1301 Penn. Ave., N.W., Suite 400, Washington, D.C. 20004.

Black Appointed Chief Justice of Pennsylvania

Robert N. C. Nix, Jr., a justice of the Pennsylvania Supreme Court, was appointed chief justice, becoming the nation's first black to head a state court system. He was inaugurated at the Academy of Music in Philadelphia last month, where only several days earlier, W. Wilson Goode had been sworn in as the city's first black mayor.

Nix, who attended the University of Pennsylvania Law School, was a deputy attorney general of the state from 1956 to 1958 and a partner in the firm Nix, Rhodes and Nix from 1958 to 1968 with his father, a former U.S. congressman from Pennsylvania. In 1968, he became judge of the Common Pleas Court of Philadelphia County, and in 1972, a justice of Pennsylvania's Supreme Court, where he served until his latest appointment.

Studies Indicate Link between Victim's Race and Use of Death Penalty

Several new studies indicate that imposition of the death penalty is related to the race of the victim: murderers of whites are much more likely to be sentenced to death than murderers of blacks. The Supreme Court has held that using the death penalty arbitrarily is unconstitutional; opponents of the death penalty cite these studies as evidence that it is applied arbitrarily and therefore unconstitutional. The courts have begun to consider the admissibility of these studies as evidence.

In one study, Samuel Gross and Robert Mauro of Stanford University examined the death penalty in eight states: Arkansas, Florida, Georgia, Illinois, Mississippi, North Carolina, Oklahoma, and Virginia. In each of these states, they found that a person was much more likely to receive a sentence of death for murdering a white than a black. For example, in Georgia, from 1976 to 1980, 8.7 percent of those convicted of murdering a white victim but only 0.9 percent of those convicted of murdering a black victim received the death sentence.

The authors of these studies cite several possible reasons for differences in the way the death penalty was applied including: a legal system that values white lives more than black lives, predominantly white juries and judges, and racial bias on the part of prosecutors. The studies show that prosecutors are more likely to seek the death penalty if a white person has been killed.

Joint Center for Political Studies

7th Annual Dinner

The Joint Center for Political Studies Seventh Annual Dinner will be held on Friday, March 2, 1984, at the Washington Hilton Hotel in Washington, D.C. This year's dinner is "A Salute to Black Elected Officials" and will feature as speaker Barbara Jordan.

John Filer, Chairman of Aetna Life & Casualty Company, is national chairman of the dinner. The general committee chairmen are Frank J. Fahrenkopf, Jr., chairman of the Republican National Committee, and Charles T. Manatt, chairman of the Democratic National Committee. On the Honorary Advisory Committee are Thornton F. Bradshaw, chairman of RCA Corporation; Charles L. Brown, chairman of AT&T; Douglas A. Fraser, former president of the United Auto Workers; Donald M. Kendall, chairman of PEPSICO, Inc.; Robert E. Kirby, former chairman of Westinghouse Electric Corporation; Lane Kirkland, president of the AFL-CIO; Reginald H. Jones, former chairman of General Electric Company; George Weissman, chairman of Philip Morris Inc.; and Jerome B. Wiesner, president emeritus of the Massachusetts Institute of Technology.

The dinner will be held on the final night of the Fourth National Policy Institute for black elected and appointed officials, which will make it an especially lively event. Over 1,000 people have attended in previous years; an even larger crowd is expected this time. Among those sponsoring tables at the dinner this year are the AFL-CIO; American Petroleum Institute; ARA Services, Inc.; Atlantic Richfield Company; CIGNA Corporation; Coca Cola Company; Edison Electric Institute; Exxon Corporation; First Boston Corporation; Ford Motor Company; General Electric Company; ITT Corporation; Mobil Corporation; R. J. Reynolds Industries, Inc.; Schlumberger, Ltd.; Southern California Gas Company; and U.S. Steel Corporation.

Barbara Jordan was congresswoman from the eighteenth congressional district in Texas from 1973 to 1979. A member of the House Judiciary Committee, she rose to national prominence during the Watergate hearings. But she also played a key role in advancing important legislation. For example, amendments she submitted to extend Section 5 of the Voting Rights Act to cover blacks and Hispanics in the Southwest became law in 1975. Since leaving the House, she has been Lyndon B. Johnson Public Service Professor at the University of Texas at Austin.

Tickets for the dinner are $200.00 each; tables are $2,000. Table and ticket purchases are 85 percent tax deductible. For further information or reservations, please call Alfreda Edwards, 202 626-3516.

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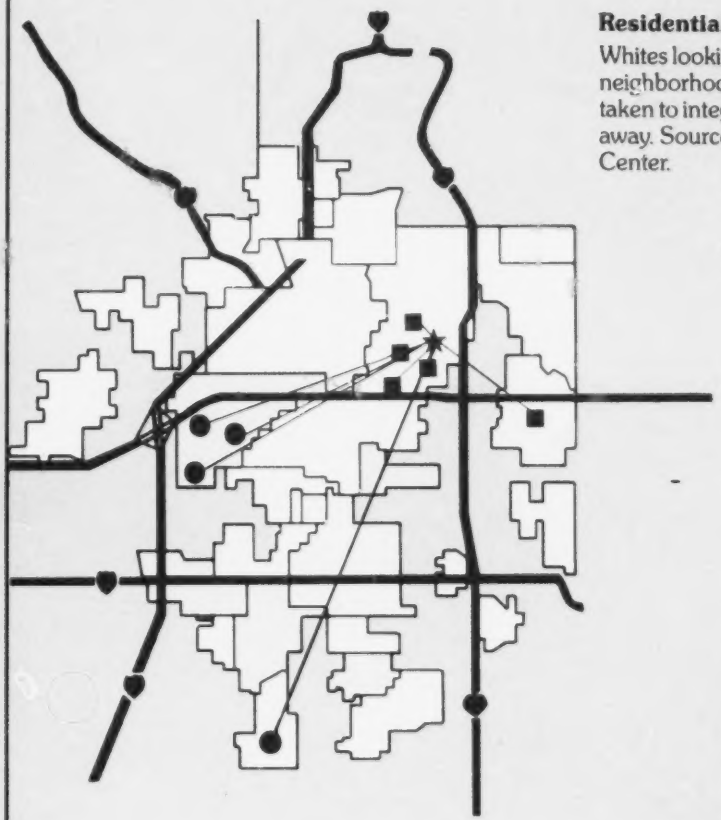
Antitrust Law: A New Weapon against Housing Bias

The Fair Housing Act has failed to curb housing discrimination; antitrust law offers a promising new approach.



Residential Steering in the Chicago Suburbs: Whites looking for houses were taken to white neighborhoods close to the realtor's office; blacks were taken to integrated and black neighborhoods much farther away. Source: South Suburban (Chicago) Housing Center.

Industrial Policy and Minorities

Would industrial policy address the needs of blacks in the changing U.S. economy?

Three New JCPS Publications Announced

ISSN 0740-0195

Joint Center for Political Studies

Perspective

On the occasion of its Seventh Annual Dinner on March 2, the Joint Center gave a much deserved salute to the nation's 5,600 black elected officials. The text of that tribute is printed below.

It was altogether fitting that this tribute came at the time of the Fourth National Policy Institute for black elected and appointed officials. More than five hundred officials were present for both events.

A recent Joint Center study described black officials this way: "The typical black elected official is a middle-aged, highly educated, upwardly mobile male affiliated with the Democratic party. This profile is changing in several significant respects, however. Black women are becoming more prominent (22 percent of the total in 1983). Black Republicans are becoming increasingly rare. And the most dramatic black political progress is being made in the South."

Both the institute and the dinner were nostalgic events for the Joint Center. In 1969, the second national conference of black officials had proposed the creation of the Joint Center, fulfilling a dream that had started with the first national meeting in 1967. The Joint Center came into being in 1970, and in 1975, it served as cosponsor and convenor of the Third National Policy Institute, a role it played again this year.

Paying tribute to our founders and working with them on policy issues of great importance gives us enormous pride, and we look forward to many more fruitful relationships with what we consider to be a principal constituency.

Following is the text of the Joint Center's salute to black elected officials:

"On the occasion of our Seventh Annual Dinner, the Joint Center for Political Studies proudly salutes the nation's 5,600 black elected officials for their outstanding leadership.

"Although they resemble their white counterparts in a number of ways, black elected officials are really a unique cadre of American leaders. Often a small minority in the councils that govern our society, they are frequently called on to use their powers of persuasion and their coalition-building skills to convert their minority votes into majority actions.

"Such calls come from constituents and nonconstituents alike. For blacks, as for whites, electoral success depends upon their capacity to deliver the goods, so to speak, to the voters who elected them. But black officials are frequently asked—indeed challenged—to respond to the needs of a 'constituency' that extends far beyond their electoral jurisdictions. That challenge can be enormous, involving minority demands that are statewide or national in scope and nonminority demands to forge coalitions across racial lines.

"These heavy mantles of leadership are often unacknowledged or overshadowed by critical headlines. But this does not diminish the crucial leadership roles that black elected officials are playing in the pursuit of racial justice.

"There is yet another reason to pay tribute to this group. They symbolize the growing influence of the black vote. And so by honoring them, we also honor and encourage black voters.

"Together, black elected officials and black voters are realizing Martin Luther King's dream of a nonviolent revolution that relies not only on law and moral suasion but also on direct political action. As Historian David Lewis wrote, King believed "racial compassion had to be reinforced by old fashioned American political *quid pro quo*."

"We salute black elected officials as the vanguard in today's pursuit of justice and equality."

Eddie N. Williams
President

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A New Weapon Against Housing Bias

by Robert E. Suggs

(The author, a corporate lawyer, is a senior research associate at the Joint Center.)

More than 15 years after passage of the Fair Housing Act—Title VIII of the Civil Rights Act—housing discrimination remains rampant. In fact, a 1979 Department of Housing and Urban Development study—the largest survey if its kind ever undertaken—concluded that "discrimination is extensive and pervades metropolitan areas throughout the country."

That same year, a Civil Rights Commission report found that "Title VIII . . . does not provide effective enforcement mechanisms for ensuring fair housing. Those federal departments and agencies charged with ensuring equal housing opportunity have not adequately carried out this duty. The government's appropriations in support of fair housing have been inadequate to meet the nation's needs in this critical area of civil rights enforcement."

More than free choice of housing is at stake. Segregated housing contributes to school segregation, restricts access to public services and employment opportunities, and reduces the opportunity for equity accumulation. Purchasing a home is the largest single investment most Americans ever make, and home equity remains the principal source and repository of individual wealth. Mounting evidence indicates that housing discrimination significantly limits the ability of many blacks to accumulate home equity and thus wealth.

Because the problems of housing discrimination have been so intractable, it is worth investigating new approaches to this issue. Antitrust litigation may provide an important avenue in this effort.

The Extent of Housing Discrimination

Not only is the *degree* of housing segregation extremely high, but the *pattern* of housing segregation makes clear that this segregation is the result of more than income differentials or the personal preferences of homeowners. If these were the only causes of housing segregation, we would expect to find a checkerboard pattern of black and white neighborhoods—much as income differences lead to a checkerboard pattern of upper- and lower-income white neighborhoods. But only racial discrimination, operating through market practices, can explain the persistent pattern of black central-city cores surrounded by outlying white areas, with integration generally occurring only at the borders.

Prior to the Fair Housing Act, in the period of suburbanization that followed World War II, the federal government actively collaborated in the creation of central city ghettos and racially exclusive suburbs. The mortgage lending policies of government agencies such as the FHA joined private sector banking and real estate practices to exclude minorities from suburbs, effectively confining black demand for housing to specific geographic areas. Today's clearly delineated urban racial boundaries testify to the success of these methods.

Although the Fair Housing Act and other federal, state, and local legislation outlawed racial discrimination in housing, several practices continue to distort and divide housing markets by race. These practices prevent black purchasers from competing for much of the available supply of housing within their economic means, and they deny black homeowners access to a wider market for potential sales.

One such practice is "steering." Steering refers to a variety of polite practices that hamper access to housing. These include false or misleading statements about the availability of housing, omissions in discussions of financing available and the desirability of particular neighborhoods, and office customs that limit the number and location of houses shown to potential black purchasers. The clearest and most effective steering technique is to show potential black purchasers houses only in certain areas, typically areas that are either already predominantly black or are in transition to such a state. Likewise, whites are steered away from minority or integrated areas, even if they have indicated no preference for racial exclusivity or have actually expressed interest in integrated neighborhoods.

Until the early 1950s, the National Association of Real Estate Boards (now the National Association of Realtors)—the principal trade organization of real estate brokers—mandated steering in its code of ethics. Unlike more blatant forms of discrimination, steering is widespread still, and it is generally held responsible for the current high level and unique pattern of segregation.

Antitrust Laws and Practices

The American economy is founded on the idea of free competition in the marketplace. We have laws prohibiting behavior that interferes with such competition and causes economic injury. Antitrust laws forbid agreements that "operate to deny consumers the opportunity to choose among alternative offers." The Sherman Act, in particular, bars agreements and concerted practices that unreasonably restrain competition for goods and services.

If real estate brokers steer blacks and whites to different geographic areas, they effectively limit the ability of these two groups to compete for the same housing, and they deny home sellers access to all buyers. Steering thus divides the market by allocating customers to different areas on the basis of race. If this allocation results from an express or tacit agreement, then the practice falls within the scope of the Sherman Act.

Since steering was for years the result of a formally adopted code of ethics, it is highly unlikely that it occurs today only because of the unilateral and independent decisions of individual brokers. However, proving the existence of an *agreement* to steer is certain to be a difficult part of applying antitrust law to housing discrimination.

One can demonstrate separate instances of steering easily enough. In the classic case, one sends testers matched for all demographic variables except race to the same real estate office and notes any differences between the homes and neighborhoods shown to black and white testers (see cover).

(Continued on page 4)

. . . Housing Bias

(Continued from page 3)

If this is done for a number of brokers and there is a common pattern of steering, then such documentation suggests an agreement among the brokers who steer. But it may not be sufficient to prove an agreement. Courts might require additional evidence such as testimony from brokers who refused to steer and were disciplined by the group, or multilisting services structured to facilitate steering.

The classic purpose of dividing a unified market is to restrict the choices available to each market segment and thus raise prices to each. Considerable evidence suggests that in some markets white purchasers pay a premium for racial exclusivity. Moreover, in periods of high black demand, steering may also inflate prices blacks must pay by restricting the available supply. In times of stable or declining demand, the steering of whites away from minority or integrated areas may reduce demand and appreciation in such areas and concentrate it in areas that are exclusively white.

Whether steering operates to inflate prices blacks must pay for property or to reduce the demand for and value of property they already own probably depends on the life cycle of the neighborhood and metropolitan area involved. In any case, blacks have been damaged and, therefore, can bring suit under the antitrust laws for three times the amount of economic injury. A class action suit by a group of blacks could threaten to impose such enormous penalties that market practices might well change. For example, a class of 1,000 homeowners, each alleging $10,000 damages, would have an aggregate claim of $30 million.

Early Efforts

Several efforts have been made in the past to use the Sherman Act and other antitrust statutes to combat racial discrimination in housing. In a 1961 decision, *Kates* v. *Lefkowitz*, a New York state court recognized that agreement among apartment owners to refuse to rent on racial grounds would violate a state antitrust statute modeled on the Sherman Act, but the court disposed of the suit on other grounds. In a 1946 suit, *U.S.* v. *Mortgage Conference of New York*, the Department of Justice invoked the Sherman Act to attack an agreement among 39 New York lending institutions to refuse to lend money to persons owning property in minority areas. This suit was terminated before trial by a consent decree that dissolved the organization formed to implement the agreement.

In the mid-1960s, prior to passage of the Fair Housing Act, the law firm of Congressman John Conyers brought a Sherman Act claim against a Detroit multilisting service on behalf of excluded black brokers in *Cotillion Club, Inc.* v. *Detroit Real Estate Board*. The court dismissed the complaint for lack of jurisdiction. More recent Supreme Court decisions, however, have ruled that the practices of real estate brokers have sufficient connection to interstate commerce to sustain federal jurisdiction in Sherman Act cases. A few years after *Cotillion*, the NAACP Legal Defense and Education Fund brought a Sherman Act claim in *Bratcher* v. *Akron Area Board of Realtors*. On appeal, the Sixth Circuit reversed the trial court's dismissal for lack of jurisdiction, but the case was allowed to die, perhaps because of passage of the Fair Housing Act the following year.

Despite the promise of these early efforts, no subsequent cases have occurred in which racially discriminatory practices were challenged as violations of antitrust law. The high expectations raised by the Fair Housing Act have probably played a major role in obscuring this approach.

A parallel lapse appears in the legal literature. Some three decades ago, two articles appeared in law reviews discussing the possible application of the Sherman Act to housing segregation. The dominant market force at that time was the absolute refusal of property owners to sell to minorities outside minority areas. These articles briefly examined the legality of this "concerted refusal to deal." Since then, nothing of significance has appeared, and the practice the earlier articles highlighted has been superseded by the more subtle and invidious device of steering, which presents a separate and more complex set of legal issues.

An Antitrust Remedy

Now that the Fair Housing Act has proven inadequate and Congress seems unwilling to mend its inadequacies, the antitrust approach is worth reconsidering. As a remedy it has a number of appealing features.

If proof of economic injury can be established and attributed to violations of antitrust statutes, huge sums can be recovered, since the victim is automatically awarded three times the actual loss suffered. Under the Fair Housing Act, the largest recovery in the first ten years of the statute was $150,000, divided among 315 people, and most successful suits recovered only a few thousand dollars. Courts hearing antitrust cases do not shy from imposing enormous penalties. AT&T is currently appealing a damage award of $1.8 billion in one case, and in another case against it, the Supreme Court let stand an award of $276.7 million plus $65 million in interest.

In the antitrust field, even out of court settlements can be very large. In two recent cases settled before trial, defendants established settlement funds of $208 million and $75 million.

Another key attribute of antitrust suits is the award of generous attorneys' fees, intended to encourage private enforcement of these laws. The Fair Housing Act allows attorneys' fee awards only if the plaintiff is unable to pay. A survey over the first ten years of that Act found an average award of just under $2,000. In a recent antitrust case that never even reached trial, the court denied 75 percent of the plaintiff's fee request, citing duplication of effort and inefficiencies, and still awarded $5.6 million in fees. The original request had been for $21 million.

A further advantage of an antitrust claim is the longer statute of limitations—four years, as op-

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Industrial Policy and the Concerns of Minorities

by William J. Wilson

(On January 25, Dr. Wilson, Lucy Flower Professor of Urban Sociology at the University of Chicago, testified before the House Subcommittee on Economic Stabilization, chaired by Congressman John LaFalce, D-NY. Appearing on behalf of the Joint Center, Professor Wilson discussed the impact of industrial policy on the unique economic problems of minorities. This article is excerpted from his testimony.)

Many of the problems plaguing American minorities cannot be solved solely by race-specific programs, however important such programs have been and continue to be in addressing the effects of racial discrimination. Current forms of racial discrimination do help to perpetuate economic dislocations in the minority community, but these problems have been exacerbated in recent years by structural shifts in the American economy, shifts that ostensibly have little or no connection with race but that strongly affect the lives of the poor and working class segments of the minority population. In short, the inferior economic status of minorities requires solutions that not only attack discrimination but also confront the broader issues of American economic organization.

The crucial point is that our advanced industrial economy is not organized to provide jobs at a decent wage level for everyone willing and able to work. The low-income minority community is disadvantaged not simply by cyclical economic stagnation but by profound structural economic changes. The widely heralded shift from goods-producing to service-producing industries is polarizing the labor market into high-wage and low-wage sectors. Technological innovations in industry are affecting the numbers and types of jobs available. Manufacturing industries are relocating out of the central city to the suburbs, to other parts of the country, and even to foreign countries. While these changes have adversely affected segments of the poor and working classes in general, they have been especially devastating for blacks and other minorities because these groups are concentrated in central cities and in industries that have been hardest hit by economic dislocations.

Therefore, the current debate over industrial policy is especially timely and important for the minority community.

There are three principal reasons why the minority leadership is beginning to pay special attention to and actively participate in this debate. First, the present arrangement of the economy has placed large segments of the minority population at a competitive disadvantage. Second, the fate of anti-discrimination programs to enhance minority employment opportunities is closely related to the state of the economy. And third, minority interests ought to be represented and promoted if particular industrial policy proposals ultimately are adopted as national policy. I would like to elaborate briefly on each of these points.

The Consequences of Recent Economic Shifts

Minorities have disproportionately suffered from the effects of industrial changes, because they are heavily concentrated in industries with the largest number of layoffs due to economic cutbacks, plant closings, and the relocations of firms to cheaper labor sites and to the suburbs.

A recent study by the Illinois Advisory Committee to the United States Commission on Civil Rights presents an instructive example. Among the 2,380 firms in their statewide sample that left the central cities and relocated in the suburbs between 1975 and 1978, black employment decreased by 24.3 percent. By comparison, white employment in the same firms dropped by only 9.8 percent. This study also found that although minorities were 14.1 percent of the statewide workforce between 1975 and 1978, they were 20 percent of the formerly employed workers in the firms that shut down. Similarly, it has been estimated that 80 percent of the 1,700 workers laid off when Atari, Inc. moved production from California to Taiwan were Hispanic and Asian. And a recent study on the effects of deindustrialization on the national labor force found that blacks are disproportionately concentrated in industries that have "borne the brunt of recent" plant closings, such as the automobile, rubber, and steel industries.

Moreover, industries that lost the most jobs to foreign imports from 1964 to 1975 had an average minority work force of 11.5 percent, compared to one of 7.4 percent in industries that gained jobs through exporting.

Finally, the detrimental effects of the decline in central cities' industries that employ a substantial number of young workers were concentrated among black males.

Thus, minorities have been particularly burdened by the structural economic changes of the past two decades. This is seen most dramatically in our largest central cities. During the 1970s, Chicago lost more than 200,000 jobs, mostly in manufacturing, where many inner-city minorities have traditionally found employment. New York City lost 600,000 jobs during the same period, even as the number of white-collar, professional, managerial, and clerical jobs increased in Manhattan. Today, the nation's cities are being transformed into "centers of administration, information exchange, and service provision." Finding a decent paying job now requires more than a willing spirit and a strong back.

Roughly 60 percent of the unemployed blacks in the United States reside within the central cities. Their situation, already more difficult than that of any other major ethnic group in the country, continues to worsen. Not only are there more blacks without jobs every year, but many, especially young males, are dropping out of the labor force entirely. The percentage of blacks who were in the labor force fell from 45.6 in 1960 to 30.8 in 1977 for those aged 16-17, from 71.2 to 57.8 for those aged 18-19, and from 90.4 to 78.2 for those aged 20-24. During

(Continued on page 6)